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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,743

10/10/2008

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080979

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26288 7590 02/27/2012

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EXAMINER

VAN SELL, NATHAN L

ART UNIT

PAPER NUMBER

1783

MAIL DATE

DELIVERY MODE

02/27/2012

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,743	<b>Applicant(s)</b> NILSSON, BO	
	<b>Examiner</b> NATHAN VAN SELL	<b>Art Unit</b> 1783	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2012.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1, 4 and 5 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1, 4, and 5 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Amendments to the claims, filed on 1/10/12, have been entered in the above-identified application.

Any rejections made in the previous action, and not repeated below, are hereby withdrawn.

**The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 1, 4, and 5 are rejected under 35 U.S.C. 112, first paragraph, as** failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 includes the limitation "the stranded part is provided with a plurality of fastener holes" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 4 and 5 are rejected for failing to correct the deficiencies of claim 1.

**Claim 5 is rejected under 35 U.S.C. 112, first paragraph**, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 includes the limitation "substantially midway" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected as indefinite because it is unclear if surface layers would also be provided with fastener holes, or the fastener holes would be covered by the surface layers.

Claim 5 is rejected for failing to cure the deficiencies of claim 1.

***Claim Rejections - 35 USC § 103***

**Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (US 4,236,365) in view of Jarret et al. (US 3,171,872).**

Wheeler discloses a building component in the shape of a door comprised of coarse wood particles (12) (i.e., particle board) (*col 2, lines 65-68, Fig 3*) in the

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intermediate layer between two high density exterior skins (14, 16) (i.e., lower and upper surface) of cellulosic fibers (*col 3, lines 1-6, Fig 3*). Wheeler discloses the intermediate layer has higher density areas (32) and the intermediate layer has at least one greatly compressed (i.e., higher density) area (30) (i.e., part), both of which have higher densities than at least one other surrounding area (38) (i.e., part) of said intermediate layer (*col 3, lines 15-30, Fig 3*). Wheeler discloses the highly densified edge of particles adjacent to the wood edge member or frame generally has a density at least equal to or substantially greater than that of natural wood, and is substantially solid in appearance (*col 1, lines 65-68*).

Wheeler fails to disclose the high density exterior skins can be formed from a finer fraction of wood particles and the stranded part is provided with a plurality of fastener holes.

Jarret discloses a wood particle board (*col 1, lines 20-25*) that is a panel having a core (i.e., intermediate layer) of coarser particles interposed between two surface layers (i.e., upper and lower surface) of finer particles (*col 2, lines 1-2*). The benefit of the finer particles is to provide a substantially smooth outer surface of satisfactory finish (*col 1, lines 49-51*).

Therefore, it would be obvious to one ordinarily skilled in the art at the time of invention to combine the building component of Wheeler with the particle board of Jarrett for a building component with a substantially smooth outer surface of satisfactory finish. Furthermore, since Wheeler discloses the highly densified edge of particles adjacent to the wood edge member or frame generally has a density at least equal to or

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substantially greater than that of natural wood, and is substantially solid in appearance (*col 1, lines 65-68*), it would have been obvious to the skilled artisan at the time of invention that the densified edges could have been provided with fastener holes for hinges or other mechanical hardware.

The limitation “stranded” of the instant claim is a product by process limitation and does not determine the patentability of the product, unless the process results in a product that is structurally distinct from the prior art. The process of forming the product is not germane to the issue of patentability of the product itself, unless Applicant presents evidence from which the Examiner could reasonably conclude that the claim product differs in kind from those of the prior art. See MPEP § 2113. No difference can be discerned between the product that results from the process steps recited in claim 1 and the product of Wheeler as modified by Jarret.

Regarding claim 4, Wheeler discloses the building component has at least one edge (34) coinciding with an area (32) (i.e., part) of the intermediate layer having a higher density than another area (38) (i.e., part) of the intermediate layer (*col 3, lines 15-30, Fig 3*).

Regarding claim 5, Wheeler discloses the intermediate layer has at least one greatly compressed (i.e., higher density) area (30) (i.e., part) which has a higher density than another surrounding area (38) (i.e., part) and is disposed substantially midway between two edge parts (34) of said intermediate layer (*col 3, lines 15-30, Fig 1 & 3*).

### ***Response to Arguments***

Applicant's arguments filed 1/10/12 have been fully considered but they are not persuasive.

Applicant argues that the invention of that of the instant claims clearly defines the non-obvious structural features of the present invention, since the invention of Wheeler shows it discloses wood reinforcing stiles at the edge area to which the hinges are screwed. However, nothing in the claim construction of that of the instant claims limits wood reinforcing stiles being at the edge area to which the hinges are screwed, so this point is moot.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN VAN SELL whose telephone number is (571)270-5152. The examiner can normally be reached on Monday through Friday, 9am til 6:30pm, EST, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571)272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R. Sample/  
Supervisory Patent Examiner, Art Unit 1783

/N. V./  
Examiner, Art Unit 1783